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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,374	11/19/2003	Lawrence Kates	P1553	9542
20995	7590	05/31/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				BUGG, GEORGE A
		ART UNIT		PAPER NUMBER
		2636		

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/718,374	KATES, LAWRENCE
	<b>Examiner</b>	<b>Art Unit</b>
	George A. Bugg	2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 April 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 19 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/18/2005</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the ceiling tile, HVAC grill, and ceiling speaker, per claims 15-17, must be shown or the feature(s) canceled from the claim(s). In addition, no figure shows what is claimed in claim 13 either. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because Figures 2A and 2B have no labels or identifiers. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 15-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's specification, page 9, lines 5-7; state that a building accouterment may be "replaced" by the repeater shown in Figures 1-7. The Examiner does not believe that there is anyway possible for the repeater, which Applicant claims as his invention, is capable of "replacing" anyone of those building accouterments. It is impossible. They me be "attached to", or "an integral part of", but in no way can they replace the items listed in claims 15-17.

#### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication US 2003/0199247 A1 to Striemer.

6. As for claims 1, 14, and 18, Striemer discloses (Section 35) a wireless repeater, which may be screwed into a light socket, which in turn may have a light bulb, screwed into it, therefore mechanically cooperating with an electrically powered fixture. In addition, functionality of the light fixture is maintained, as shown in Figures 3 and 4.

Section 37 of the Striemer reference, teaches that the repeater is capable of turning the light bulb which it is attached on or off, thereby providing power to a common electrical device. Section 39 teaches a transceiver unit, and a power supply, which as seen in Figure 5, where element 500 is the control circuitry of the repeater, are electrically connected. Furthermore, Section 39 teaches that the control circuitry 500 is housed in housing 320, shown in Figures 3 and 4. Figure 5 also shows the power supply of control circuitry 500, being connected to the line voltage of the light fixture.

7. As for claims 2 and 3, Section 40 discloses rechargeable batteries being recharged when the line voltage, or voltage power the electrical fixture is present. Striemer further discloses storing power in a capacitor bank.

8. As for claims 4-6, see Figures 3 and 4, which are substantially the same as Applicant's Figure 1.

9. As for claims 7 and 8, Sections 40 teaches a recharging circuit which supplies power, when the line voltage is absent. Conversely, when the line voltage is present, the back-up power supply is turned off, since it is no longer needed.

10. As for claim 9, Section 40 states that the rechargeable batteries, or capacitive bank are charged when the line voltage to the electrical fixture is present.

11. As for claim 10, the battery back-up system of Striemer, or charge storing capacitors, will inherently supply power to the light fixture until the line voltage is restored, or until the batteries or capacitors are depleted of their charge.

12. With regard to claim 11, the Striemer reference teaches the use of his repeater in a building throughout the reference. Use in an apartment building is not patentably

distinct. Furthermore, the functionality of a repeater is to relay a message or signal, from a transducer, to an electrical device, for the purpose of turning it on or off. Striemer discloses just that in Section 37.

13. With regard to claim 12, re-transmission is taught throughout the Striemer reference, such as Sections 40 and 42.

***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication US 2003/0199247 A1 to Striemer.

16. As for claim 13, while the Striemer reference may not specifically disclose the use of the repeater in an exit sign, he does teach that the unit can be used in conjunction with a light bulb, whereby the repeater is screwed into an electrical socket, and a light bulb is then in turn screwed into the repeater, so as to maintain the functionality of the light fixture (Section 35). Exit signs are well known in the art for containing light bulbs, which screw into sockets. Therefore, it would have been obvious to one of ordinary skill in the art to utilize a repeater in an exit sign for the purpose of

achieving wireless transmission of information, while maintaining the functionality and aesthetics of a light fixture and the environment it is installed in.

### ***Conclusion***

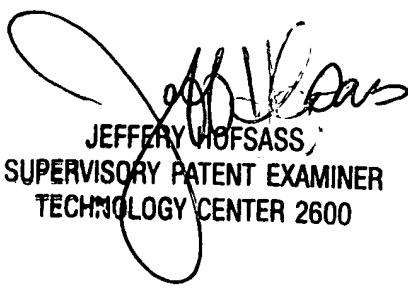
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George A. Bugg whose telephone number is (571) 272-2998. The examiner can normally be reached on Monday-Thursday 9:00-6:30, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

George A Bugg  
Examiner  
Art Unit 2636

May 26, 2005

  
JEFFERY HOFSSASS,  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600